

Serial No. 09/914,807

Attorney Docket No. 10543-028

REMARKS

In response to the Office Action mailed April 6, 2004, kindly enter the foregoing amendment and consider the following remarks. Pursuant to 37 CFR §1.112, Applicants request reconsideration of each and every ground of rejection set forth in the Office Action.

The Office Action and the references cited therein have been carefully considered. In this Amendment, claims 28, 32, and 37 have been amended. Thus claims 19-30, 32-40 and 42 are pending and are at issue herein. In view of these amendments and the following remarks, favorable reconsideration of this application is requested.

ALLOWABLE SUBJECT MATTER

The Applicants would like to thank the Examiner for indicating allowable subject matter. Specifically, the Examiner noted on page 4 of the Office Action that claims 20-23 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include all the limitations of any intervening claims. At this time, the Applicants have not amended claims 20-23 into independent format as independent claim 19 is believed to be in condition for allowance.

CLAIM REJECTIONS UNDER 35 USC §112

Claims 19-27 and 37-39 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

With regard to claim 19, the Examiner correctly notes that the claim recites detection of two diagonally opposite wheels that have lost sufficient traction, and providing torque to a wheel having sufficient traction. The Examiner then asks, "How does the third wheel that has not been detected to have or not the traction will be provided with the torque?"

Inasmuch as the Applicants understand the question, the specification describes what interventions may be performed to provide torque based on the detection of a diagonal axle twist. As described in paragraph 0019 of the

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specification, this intervention may take the form of brake control, engine management, transmission function and/or function of differential locks. For example, claim 20 recites that the torque providing step may include affecting at least a partial lock of a differential within the vehicle. This is one of the examples given above and described in the specification. Similarly, claim 24 recites that the torque providing step includes setting a medium brake pressure level.

In light of the foregoing, the Applicants respectfully assert that the claims are definite. The Examiner is encouraged to contact the undersigned for a telephonic interview if it would assist in the understanding and examination of the present application.

With regard to claim 37, the claim has been amended to recite that the period of time is 50 to 100 msec. when a diagonal axle twist was previously determined within the prior 15 seconds. In short, claim 37 represents setting the period of time at a certain level when a second diagonal axle twist is determined within 15 seconds of a prior diagonal axle twist.

For these reasons and all the reasons given above, the Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 19-27 and 37-39.

CLAIM REJECTIONS UNDER 35 USC §102

Claim 19 stands rejected under 35 U.S.C. §102(b) as being anticipated by Henry (U.S. Pat. No. 3,707,298). As noted by the Applicant in their prior response with regard to the Henry reference, and as confirmed by the Examiner in the present Office Action, Henry simply discloses a single axle exhibiting a diagonal axle walk when wheels at the opposite ends of the single axle encounter unlike irregularities in the road.

The Applicant have made it absolutely clear through the prosecution of this application that a diagonal axle twist is a condition different that a "diagonal axle walk". As noted in several prior responses, paragraphs 32-39 of the specification provide detailed information regarding a diagonal axle twist condition. Further, claim 19 has been amended to recite detecting a diagonal axle twist condition in which two diagonally opposite wheels loose sufficient traction with the ground.

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The two opposing wheels on a single axle are simply not diagonally opposite wheels. Therefore, Henry simply does not disclose detecting a diagonal axle twist.

For all these reasons, the Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 19.

Claims 28-36, 40 and 42 stand rejected under 35 U.S.C. §102(b) as being anticipated by Howes (U.S. Pat. No. 5,373,447). The Examiner correctly notes that the Howes reference discloses comparing the speeds of diagonally opposite wheels. The differences between these speeds are compared with the threshold to prevent false triggering of the traction control system.

The Howes reference simply does not disclose a method for detecting a diagonal axle twist. The Howes reference does not even disclose the condition of a diagonal axle twist, and thus the Howes reference cannot disclose how to detect for such a condition, nor to intervene in such a condition.

Independent claim 28 recites the step of determining when two diagonally opposite wheels have lost sufficient traction with the ground based on the comparison step. The Howes reference simply does not disclose this and other elements of independent claim 28.

With regard to independent claim 40, the claims recites a first, second, third and fourth evaluation circuits. The first circuit evaluates the slip of the wheels on a secondary axle. The fourth circuit evaluates the slip of the wheels on a primary axle. The second and third circuits evaluate the slip of two diagonally opposite wheels for detecting a diagonal axle twist on two diagonally opposite wheels.

As noted above, the Howes reference does not disclose a circuit which detects a diagonal axle twist. While the speeds of two diagonally opposite wheels are compared, this is not the same as evaluating the slip of two diagonally opposite wheels for detecting a diagonal axle twist. Again, the Howes reference does not even discuss a diagonal axle twist, and thus does not disclose a circuit designed to detect such a condition.

For these reasons and all the reasons given above, the Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claim 40 and its dependent claims.

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CLAIM REJECTIONS UNDER 35 USC §103

Claim 24-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Henry reference in view of the Leiber reference (U.S. Pat. No. 4,589,511). The Applicants reiterate the remarks given above with regard to the Henry reference.

Simply stated, the Henry reference does not disclose detection of a diagonal axle twist. Accordingly, even assuming the propriety of the combination of the Henry reference with the Leiber reference, all of the features of independent claim 19 (including dependent claims 24-27) have not been met.

For these reasons, the Applicants respectfully request reconsideration of claims 24-27.

CONCLUSION

In view of the preceding amendments and remarks, the Applicants respectfully submit that the specification is in order and that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicants respectfully request that the Examiner contact the Attorney of the Applicants at the earliest convenience of the Examiner.

Applicants have calculated no fees to be presently due in connection with the filing of this Paper. However, Applicants have authorized charging of any fee deficiency to the deposit account 23-1925, as indicated in the Transmittal accompanying this Statement.

6/7/04

Date

Respectfully submitted,


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